

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

The Honorable W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2017-001955

**RECEIVED**

NOV 17 2017

SC Court of Appeals

Arrowpoint Capital Corporation/Arrowood Indemnity Co., . . . . . Respondent,

v.

South Carolina Second Injury Fund, . . . . . Petitioner.

[In re: C.L. Williams, Employee/Claimant v. Yuasa Exide, Incorporated, Employer]

**MOTION TO EXTEND TIME TO FILE  
RETURN TO MOTION TO DISMISS**

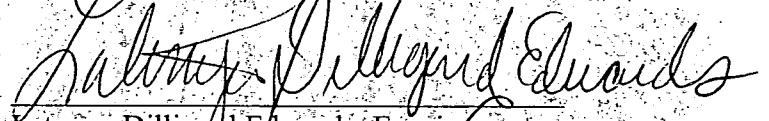
Petitioner, South Carolina Second Injury Fund, by and through the undersigned counsel, moves this Court to extend the time for the filing of its Return to Motion to Dismiss, which was due on Monday, November 6, 2017 based on the following grounds:

1. Petitioner received Respondent's Motion to Dismiss on October 26, 2017, while Petitioner was at home tending to her two (2) children, both of whom had contracted a case of hand, foot and mouth disease.
2. Petitioner missed several days of work and was unable to timely prepare the Return to Respondent's Motion to Dismiss.



Based on the information herein, Petitioner requests that the time for filing its Return to Respondent's Motion to Dismiss be due on or before Friday, November 17, 2017. Granting this motion will not cause prejudice to any party.

Respectfully Submitted By,



Latonya Dilligard Edwards, Esquire

Dilligard Edwards, LLC

3790 Fernandina Road, Suite 103

Columbia, South Carolina 29210

S.C. Bar#: 14593

(803) 750-2214 (telephone)

(803) 750-2377 (facsimile)

ATTORNEY FOR PETITIONER

Columbia, South Carolina  
November 16, 2017

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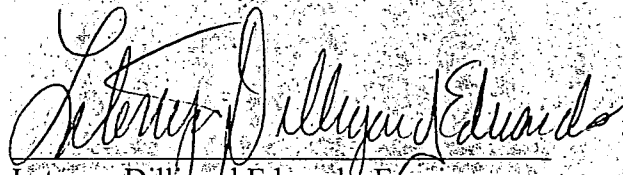
**PROOF OF SERVICE**

Petitioner, South Carolina Second Injury Fund, by and through its undersigned counsel, does hereby certify that service of the **RETURN TO MOTION TO DISMISS AND MOTION TO EXTEND TIME TO FILE RETURN TO MOTION TO DISMISS** to The South Carolina Supreme in the above-captioned matter was made upon counsel of record for Respondent, Arrowpoint Capital Corporation/Arrowood Indemnity Co., and the South Carolina Workers' Compensation Commission, by placing same in the United States mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelope on this 16<sup>th</sup> day of November, 2017, as follows:

Vernon F. Dunbar, Esquire  
Stephanie L. Pugh, Esquire  
McAngus Goudelock & Courie, LLC  
Post Office Box 2980  
Greenville, South Carolina 29602

The Honorable Amy Bracy, Judicial Director  
South Carolina Workers' Compensation Commission  
Post Office Box 1715  
Columbia, South Carolina 29202-1715

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211



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† ALSO LICENSED IN NORTH CAROLINA  
\* CERTIFIED CIRCUIT COURT MEDIATOR

November 16, 2017

## HAND-DELIVERED

Daniel E. Shearouse, Clerk of Court  
Supreme Court of South Carolina  
1231 Gervais Street  
Columbia, South Carolina 29201

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SC Court of Appeals

Re: Arrowpoint Capital Corp. v. SC Second Injury Fund  
Appellate Case No. 2017-001955  
[C.L. Williams v. Yuasa Exide, Inc.]

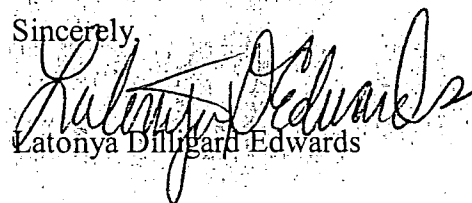
Dear Mr. Shearouse:

Enclosed herewith please find for filing the original and six (6) copies of South Carolina Second Injury Fund's Return to Motion to Dismiss and Motion to Extend Time to File Return to Motion, along with Proof of Service in the above-referenced case.

By copy of this letter, I am notifying Carrier's attorney and the South Carolina Workers' Compensation Commission of this communication to your office.

Thank you for your assistance and cooperation with this matter. Should you require any additional information, please do not hesitate to contact me directly.

Sincerely,

  
Latonya Dilligard Edwards

LDE/emb  
Enclosures

cc: Vernon F. Dunbar, Esquire (w/encls.)  
Stephanie L. Pugh, Esquire (w/encls.)  
The Honorable Jenny Abbott Kitchings, South Carolina Court of Appeals Clerk (w/encls.)  
Amy Bracy, SCWCC Judicial Director (w/encls.)

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RETURN TO MOTION TO DISMISS

Petitioner, South Carolina Second Injury Fund, by and through its undersigned counsel, hereby submits this Return to Respondent's Motion and would respectfully request that this Honorable Court deny the Motion to Dismiss based upon the following reasons:

1. The Court of Appeal's Order denying the Petition for Rehearing was filed at the Court of Appeals on Friday, August 18, 2017.
2. Petitioner received a copy of said Order from the Court of Appeals on Tuesday, August 22, 2017.
3. Pursuant to Rule 263 (a), SCACR, instructs that "the day of the act, event or default after which the designated period of time begins to run is not included" in the computation of time. Thus, Petitioner's first date for

computation of the thirty (30) day requirement began on Wednesday, August 23, 2017 and day thirty (30) was Thursday, September 21, 2017, the day Petitioner filed and served its Petition for Writ for Certiorari on Respondent.

4. Rule 263(b) states that "time prescribed by these Rules for performing any act except the time for serving Notice of Appeal under Rules 203 and 243 may be extended or shortened by the appellate court or by any judge or justice thereof." Thus, if this Honorable Court deems Petitioner's Writ for Certiorari as untimely, which Petitioner expressly denies, Petitioner requests that the time filing its Petition for Certiorari be extended up to and including September 21, 2017.
5. Denying Respondent's Motion to Dismiss will not cause any prejudice to Respondent.

Based upon the information herein, Petitioner requests that this Honorable Court deny Respondent's Motion.

Respectfully Submitted By,



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November 16, 2017